

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA;
STATE OF CALIFORNIA;
STATE OF DELAWARE;
STATE OF FLORIDA;
STATE OF GEORGIA;
STATE OF HAWAII;
STATE OF ILLINOIS;
STATE OF INDIANA
STATE OF LOUISIANA;
COMMONWEALTH OF MASSACHUSETTS;
STATE OF MICHIGAN;
STATE OF MONTANA;
STATE OF NEVADA;
STATE OF NEW JERSEY;
STATE OF NEW HAMPSHIRE;
STATE OF NEW MEXICO;
STATE OF NEW YORK;
STATE OF NORTH CAROLINA;
STATE OF OKLAHOMA;
STATE OF RHODE ISLAND;
STATE OF TENNESSEE;
STATE OF TEXAS;
COMMONWEALTH OF VIRGINIA;
STATE OF WISCONSIN;
and the DISTRICT OF COLUMBIA;
EX REL. LAURIE SIMPSON,

PLAINTIFFS/RELATOR,

v.

BAYER CORPORATION;
BAYER HEALTHCARE
PHARMACEUTICALS, INC.;
BAYER PHARMACEUTICALS
CORPORATION;
BAYER HEALTHCARE LLC;
BAYER AG;
BAYER HEALTHCARE AG; and
BAYER SCHERING PHARMA, AG,

DEFENDANTS.

Civil Action No. 05-3895 (GEB)

Hon. Garrett E. Brown, Jr.

**CONSENT ORDER TO STAY
PROCEEDINGS PENDING
RESOLUTION OF OBJECTIONS TO
CONDITIONAL TRANSFER ORDER**

THIS MATTER having been brought before the Court by the parties; and

WHEREAS the Court unsealed the Second Amended Complaint by Order entered on February 24, 2010, following the decision by the United States not to intervene in the case; and

WHEREAS the Court is informed that on May 10, 2010 and pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, certain defendants notified the Judicial Panel that this case was a potential “tag-along” action with respect to MDL No. 1928, *In re Trasylol Products Liability Litigation*, pending in the United States District Court for the Southern District of Florida; and

WHEREAS the Judicial Panel issued a Conditional Transfer Order dated May 25, 2010, in which it conditionally transferred this case to MDL No. 1928, but simultaneously separated and remanded plaintiff’s other claims to this Court; and

WHEREAS in accordance with Rule 7.4(c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, defendants filed a notice of opposition to that portion of the Conditional Transfer Order providing for the separation and simultaneous remand of all claims in this action related to Avelox, and indicated that they would be filing their supporting motion and brief within fourteen (14) days; and

WHEREAS a final decision by the Judicial Panel on the parties’ opposition to the Conditional Transfer Order is expected in the coming weeks; and

WHEREAS the parties agree that it would be efficient to stay this action pending a final decision by the Judicial Panel; and

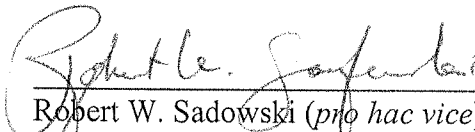
the Court having considered the parties’ application for the entry of this Consent Order, and good cause having been shown;

IT IS on this ____ day of June 2010;

ORDERED that this matter and all proceedings related hereto are **STAYED** pending disposition of the parties' opposition to the Conditional Transfer Order.

Honorable Garrett E. Brown, Jr.
United States District Judge

THE UNDERSIGNED HEREBY CONSENT TO THE
FORM AND ENTRY OF THIS ORDER:

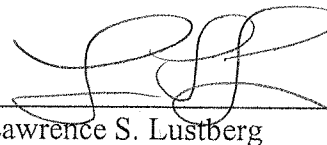


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Counsel for Relator

Dated: June 10, 2010



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Dated: June 10, 2010